

U.S. Department of Justice

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NEWS RELEASE

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Paul J. McNulty, United States Attorney for the Eastern District of Virginia, and Peter Keisler, Assistant Attorney General for the Civil Division, Department of Justice, announced that physician Daniel L. Thompson, 49, of Egan, South Dakota, was sentenced today to 37 months in prison by the Honorable Leonie M. Brinkema, United States District Judge, as a result of his conviction after a jury trial of conspiracy to unlawfully distribute controlled substances, and unlawful distribution of controlled substances. The Government also submitted an order for a \$1.4 million forfeiture judgment.

Judge Brinkema also sentenced a co-defendant, James Trovato, 49, of Seven Hills, Ohio, to 30 months in prison as a result of his guilty plea to conspiracy to unlawfully distribute controlled substances. He also agreed to forfeit \$1,528,327 in proceeds he derived from the conspiracy.

Thompson, a physician and website owner, and Trovato, who also owned websites, were convicted of conspiring to unlawfully distribute and dispense Schedule III and IV controlled substances other than for a legitimate medical purpose and not in the usual course of professional practice. The charges relate to the illegal sale of controlled substances and other prescription drugs over the Internet to consumers through various websites. Trovato pleaded guilty to the lead conspiracy count in a 78-count superseding indictment returned by a grand jury in this District, and Thompson was convicted at trial of charges in the superseding indictment. Customers who ordered drugs from the websites were not required to provide a prescription before receiving the controlled substances. Instead, customers filled out an on-line questionnaire and chose the type, quantity, and dosage they desired to purchase. The prescriptions were dispensed under the authorizations of Thompson and his co-conspirators through pharmacies owned by other co-conspirators.

During the course of the conspiracy, Thompson, Trovato, and their co-conspirators illegally distributed and dispensed millions of pills, including phendimetrazine, a controlled substance weight loss stimulant sold by its brand name Bontril, and phentermine, another controlled substance weight loss drug sold generically or as Adipex and Ionamin. Other prescription drugs illegally distributed and dispensed included Viagra, Xenical, Propecia, and Celebrex. In all, eleven individuals and two companies have been convicted in this scheme.

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Under federal law, for a prescription to be valid, it must be issued for a legitimate medical purpose by an individual acting in the usual course of the professional practice. The prescriptions authorized by the physicians were not valid because they did not result from a legitimate doctor-patient relationship. Other than the on-line questionnaires, the physicians did not have any contact with the people ordering the medication, and did not monitor, or provide any means to monitor, medication response, weight loss or weight gain.

The case was investigated by the Federal Bureau of Investigation, and the Food and Drug Administration's Office of Criminal Investigations. Prosecuting this case for the United States were Assistant United States Attorney Karen L. Taylor, and Linda I. Marks and Jill P. Furman from the Department of Justice Office of Consumer Litigation.

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